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Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 24 September 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to transmit its report (see annex) on the concrete measures taken by the Government of Denmark pursuant to paragraph 31 of Security Council resolution 1929 of June 2010.

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Annex to the note verbale dated 24 September 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

Report by Denmark

Submitted pursuant to paragraph 31 of Security Council resolution 1929 of 9 June 2010

Security Council resolution 1737 (2006) concerning Iran.

Denmark and the other member States of the European Union (EU) have jointly implemented the restrictive measures against Iran imposed by Security Council resolution 1929 (2010) by taking the following common measures:[1]

- Council Decision 2010/413/CFSP of 26 July.[2]

  The Council Decision sets out the EU's commitment to implementation of all the measures contained in United Nations Security Council resolution 1929 (2010), and provides the basis for EU specific accompanying measures within the scope of the resolutions, notably:

  - export ban on certain other items, in addition to those determined by the sanctions Committee, which could contribute to Iran's nuclear-related programme or other weapons of mass destruction-related programmes;
  - autonomous designations under the visa ban and the asset freeze, to be decided by the Council of the EU, of persons and entities involved in proliferation-sensitive nuclear activities or in violations of United Nations Security Council resolutions, of individuals and entities of the Islamic Revolutionary Guard Corps (IRGC) and of the Islamic Republic of Iran Shipping Lines (IRISL) and its subsidiaries;
  - enhanced vigilance over the activities of financial institutions within the jurisdiction of EU member States with banks and financial entities linked to Iran, notably through a prior authorization regime for all transactions above a certain amount;
  - prohibition to open new branches and subsidiaries of Iranian banks in the EU and to establish new banking relationships with Iranian banks;
  - prohibition to provide insurance and re-insurance to Iranian entities;
  - prohibition of sale, purchase and brokering of government bonds;
  - measures in the transport sector concerning the prohibition for Iranian cargo flights to have access to EU airports and the prohibition to provide engineering and maintenance services to Iranian cargo flights.

[1] All common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] *Official Journal of the European Union* L 195, 27.7.2010, p. 39.

- Council implementing Regulation (EU) No. 668/2010 of 26 July implementing article 7(2) of Council Regulation (EC) 423/2007 on restrictive measures against Iran.[3]

  In addition to the Council Decision, the Council adopted a Regulation implementing article 7(2) of Council Regulation (EC) 423/2007 on restrictive measures against Iran in order to legally enforce the asset freeze for the new EU autonomous designations of persons and entities.

- Council Regulation amending Council Regulation (EC) 423/2007 on restrictive measures against Iran.

  The Council will adopt in the near future a Council Regulation amending Council Regulation (EC) 423/2007 in order to implement the measures provided for in Council Decision 2010/413/CFSP of 26 July, which fall under the competence of the Union.

- Commission Regulation (EU) No. 532/2010.[4]

  Commission Regulation No. 532/2010 amends the Council Regulation by including the persons and entities designated by the Security Council on 9 June 2010 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to Council Regulation 423/2007.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments).[5]

  This Regulation requires nationals of Iran to be in possession of a visa when entering the European Union.

Denmark has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[6] to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Council Decision 2010/413/CFSP provides the basis for enforcement of the arms embargo against Iran and the ban on related brokering services:

- According to section 7 a of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material etc. between third countries (i.e. countries other than Denmark), when the recipient country is listed in the Government Order on Transportation of Weapons etc. between third countries. The list includes all countries that are under a United Nations, EU or Organization for Security and Cooperation in Europe arms embargo.

- According to section 7 b (1) of the Danish Weapons Act, it is likewise prohibited without a specific licence from the Minister of Justice, as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in section 6, between countries outside the EU. Furthermore, it is prohibited to buy or sell weapons etc., as defined in section 6, as part of a transfer between countries outside the EU, or, as the owner of the weapons

[3] *Official Journal of the European Union* L 195, 27.7.2010, p. 25.

[4] *Official Journal of the European Union* L 154, 19.6.2010, p. 5.

[5] *Official Journal of the European Union* L 81, 21.3.2001, p. 1.

[6] This legislation should apply to all goods included in the Common Military List of the European Union, *Official Journal of the European Union* C 69, 18.3.2010, p. 19.

etc., to arrange such transfer. According to Section 7 b (2) the prohibition does not apply to acts performed in another EU member State or to acts performed outside the EU by persons with permanent residence outside Denmark.

– According to section 6 of the Danish Weapons Act, it is prohibited without a specific licence from the Minister of Justice to export weapons of any kind and defence related material etc. Section 6 applies to any situation where items are transferred from Denmark to a third country no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolution 1929 (2010).

– Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment, cf. Danish Weapons Act, section 10, and in aggravating circumstances, section 192 (a), of the Danish Penal Code.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which together with Council Decision 2010/413/CFSP and Regulation (EC) No. 539/2001 provides the basis for refusal of admission and denial of requests for a visa:

– The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the United Nations sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union.[7] Regulation (EC) No. 423/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Denmark are set out in the following legislation:

– Danish Penal Code, Law no. 1260 of 2007, with subsequent amendments.

According to the law, any person who, intentionally or through negligence, contravenes any provisions or prohibitions that may have been provided by law for the fulfilment of the State's obligations as a member of the United Nations shall be liable to a fine or to imprisonment for a term not exceeding four months or, in aggravating circumstances, to imprisonment for a term not exceeding four years. An equivalent provision exists concerning the contravention of EU sanctions.

Copenhagen, August 2010

[7] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.